

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

D. ARDEN, et al.,

Defendants.

Case No. 1:21-cv-00818-ADA-CDB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CLAIMS AND DEFENDANTS**

(ECF No. 13)

Plaintiff Devonte B. Harris is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 2, 2022, the assigned magistrate judge filed findings and recommendations, recommending that Defendants M. Boersma and Ken Clark be dismissed, and that Plaintiff's first amended complaint be dismissed, except for its claims of excessive force against Defendants Arden, Gamboa, Garcia, Pasillas and Perez, and retaliation against Defendants Arden, Gamboa, Garcia and Pasillas. (ECF No. 13.) The magistrate judge provided Plaintiff 14 days within which to file any objections to the findings and recommendations. (*Id.* at 2.) No objections have been filed.

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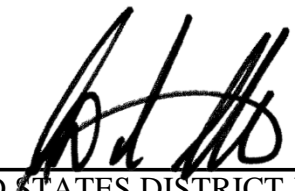
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and
3 recommendations to be supported by the record and proper analysis.

4 Accordingly, **IT IS HEREBY ORDERED** that:

- 5 1. The findings and recommendations issued on December 2, 2022 (ECF No. 13) are
6 ADOPTED in full;
- 7 2. Defendants M. Boersma and Ken Clark are DISMISSED from this action;
- 8 3. The claims in Plaintiff's first amended complaint are DISMISSED, *except* for the
9 claim of excessive force against Defendants Arden, Gamboa, Garcia, Pasillas and
10 Perez, and the retaliation claim against Defendants Arden, Gamboa, Garcia and
11 Pasillas; and
- 12 4. The matter is referred back to the assigned magistrate judge for further proceedings.

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16 IT IS SO ORDERED.

17 Dated: February 17, 2023

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UNITED STATES DISTRICT JUDGE